

ORDINANCE NO. 07-52

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE VI. SUPPLEMENTARY ZONING DISTRICT REGULATIONS, DIVISION 10. PARKING, OF THE CODE OF ORDINANCES, BY REVISING HIALEAH CODE § 98-2197 ENTITLED "LANDSCAPING" TO PROVIDE LANDSCAPING FOR OFF-STREET PARKING ACCORDING TO THE MIAMI-DADE COUNTY LANDSCAPE MANUAL AS NOW MODIFIED AND SUPPLEMENTED BY THE CITY LANDSCAPE MANUAL; AND AMENDING DIVISION 11. LANDSCAPING BY REVISING HIALEAH CODE § 98-2231 ENTITLED "IRRIGATION" TO PROVIDE LANDSCAPING ACCORDING TO THE MIAMI-DADE COUNTY LANDSCAPING MANUAL AS NOW MODIFIED AND SUPPLEMENTED BY THE CITY LANDSCAPE MANUAL, AND BY REVISING HIALEAH CODE § 99-2234 ENTITLED "RENOVATION AND REMODELING OF COMMERCIAL AND INDUSTRIAL DEVELOPMENTS; SUPPLEMENTAL LANDSCAPING" TO PROVIDE FOR SUPPLEMENTAL LANDSCAPING FOR RENOVATION AND REMODELING OF RESIDENTIAL-OFFICES AND MULTIPLE FAMILY DEVELOPMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of May 9, 2007 recommended approval of this ordinance; and

WHEREAS, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government; and

WHEREAS, the primary purpose of this ordinance is to provide more

comprehensive and supplementary landscaping regulations through a City of Hialeah Landscape Manual that will be used in conjunction with the Miami-Dade County Landscape Manual; and

WHEREAS, an additional purpose of this ordinance to extend the right of the City to supplement existing landscaping to properties zoned residential-office and multiple family during the approval process for renovation and remodeling.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 98 entitled "Zoning", Article VI. Supplementary Zoning District Regulations, Division 10. Parking, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Hialeah Code § 98-2197 entitled "Landscaping", to read as follows:

Chapter 98

ZONING

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**ARTICLE VI. SUPPLEMENTARY ZONING
DISTRICT REGULATIONS**

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DIVISION 10. PARKING

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Sec. 98-2197. Landscaping.

(a) Off-street parking areas shall be landscaped according to the latest edition of the Miami-Dade County Landscape Manual for off-street parking and other vehicular use areas, as modified and supplemented by the city landscape manual, except that in peripheral landscaped areas along a right-of-way or adjacent to a front yard, trees shall be located no farther apart than 45 feet on center with

a minimum of two trees for each right-of-way frontage and except as provided in R-Z residential districts.

Section 2: Chapter 98 entitled "Zoning", Article VI. Supplementary Zoning District Regulations, Division 11. Landscaping, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Hialeah Code § 98-2231 entitled "Irrigation" and Hialeah Code § 98-2234 entitled "Renovation and remodeling of commercial and industrial developments; supplemental landscaping", to read as follows:

Chapter 98

ZONING

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**ARTICLE VI. SUPPLEMENTARY ZONING
DISTRICT REGULATIONS**

* * *

DIVISION 11. LANDSCAPING.

Sec. 98-2231. Irrigation.

(a) Required landscaping ~~which~~ that is installed ~~in accordance with~~ according to this Code and the latest edition of the Miami-Dade County Landscape Manual as modified and supplemented by the city landscape manual, during construction and/or renovations of properties within the city, shall be required to have an appropriate irrigation system installed and maintained in order to ensure the survival and growth of the installed landscaping.

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Sec. 98-2234. Renovation and remodeling of residential-office, multiple family, commercial and industrial developments; supplemental landscaping.

If a building permit is issued for renovating or remodeling a development within a residential-office, multiple family, commercial or industrial-zoned property, without increasing the square footage of floor space, the city reserves the right, during the site plan review prior to issuing the building permit, to require additional trees and landscaping to supplement existing landscaping.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 6: Severability Clause.

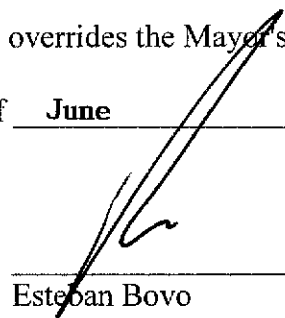
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 7: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 12 day of June, 2007.

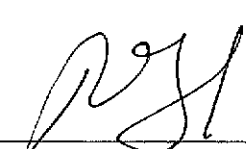
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Esteban Bovo
Council President

Attest:

Approved on this 14 day of June, 2007.



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

Ordinance was adopted by
a unanimous vote with
Councilmembers Bovo,
Caragol, Casals-Muñoz,
Gonzalez, Hernandez,
Miel and Yedra voting
"Yes".

~~Strikethrough~~ indicates deletion. Underline indicates addition.